

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

|                                       |   |                                     |
|---------------------------------------|---|-------------------------------------|
| 1) KATHRYN A. HOSKINS, an individual, | ) |                                     |
|                                       | ) |                                     |
| Plaintiff,                            | ) |                                     |
|                                       | ) |                                     |
| v.                                    | ) | Case No. 15-CV-332-CVE-TLW          |
|                                       | ) |                                     |
| 1) TUESDAY MORNING, INC., a Foreign   | ) | Tulsa County Case No. CJ-2015-01939 |
| For Profit Corporation,               | ) |                                     |
|                                       | ) |                                     |
| Defendant.                            | ) |                                     |

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1331, 1332 and 1441, Defendant Tuesday Morning, Inc. ("Tuesday Morning") hereby removes the state action described herein from the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma.

**STATEMENT OF FACTS SUPPORTING JURISDICTION**

1. Tuesday Morning is Defendant in a civil action brought against it in the District Court of Tulsa County, State of Oklahoma, and titled *Kathryn A. Hoskins v. Tuesday Morning, Inc.*, Tulsa County District Court No. CJ-2015-01939 (the "State Court Case").

2. Plaintiff Kathryn A. Hoskins ("Hoskins") filed her Petition in the State Court Case on May 20, 2015. The Petition alleges a cause of action under the Age Discrimination in Employment Act of 1967 ("ADEA"). The Petition also alleges that Hoskins is a resident of Tulsa County, Oklahoma and that Tuesday Morning is a foreign for profit corporation. The Petition states that Hoskins seek damages in excess of \$75,000.

3. Tuesday Morning is a Delaware corporation with its principal place of business located in Texas.

4. Given that Hoskins's claim falls under the ADEA, removal of this matter is proper pursuant to 28 U.S.C. § 1441(c) as this Court has federal question jurisdiction. Removal of this matter is also proper under 28 U.S.C. § 1441(b) because there is complete diversity of citizenship between the parties and Hoskins seeks damages in excess of \$75,000.

5. This Notice of Removal is filed within the time permitted by 28 U.S.C. § 1446(b)(1), because Tuesday Morning was served with the Petition on May 26, 2015.

6. A copy of the docket sheet and all documents filed or served in the State Court Case is attached hereto as Exhibit "1".

Respectfully submitted,

s/Michael R. Pacewicz  
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ATTORNEY FOR DEFENDANT TUESDAY  
MORNING, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15th day of June, 2015 I electronically transmitted the attached Notice of Removal to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing was sent to the following ECF registrant:

Daniel E. Smolen  
Smolen, Smolen and Roytman, PLLC  
701 South Cincinnati Avenue  
Tulsa, OK 74119

I further certify that a copy of said Notice of Removal was delivered or mailed to the Tulsa County Court Clerk for filing on the 15th day of June, 2015.

s/Michael R. Pacewicz

Michael R. Pacewicz